



**PRESENT:**

Mr. Jack R. Wilson, III, Chairman  
Mr. Daniel A. Gecker, Vice-Chairman  
Mr. Russell J. Gulley  
Mr. Sherman W. Litton  
Mr. F. Wayne Bass  
Mr. Kirkland A. Turner, Secretary to the Commission,  
Planning Director

**ALSO PRESENT:**

Ms. Mary Ann Curtin, Director, Intergovernmental Relations,  
County Administration  
Mr. Glenn E. Larson, Assistant Director, Plans and Information  
Branch, Planning Department  
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,  
Development Review, Planning Department  
Mr. Robert V. Clay, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Jane Peterson, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Darla W. Orr, Principal Planner, Zoning and  
Special Projects, Planning Department  
Ms. Teresa C. Davis, Administrative Secretary, Zoning and  
Special Projects, Planning Department  
Mr. Carl D. Schlaudt, Planning Administrator,  
Development Review, Planning Department  
Ms. Natalie Molver, Planning Technician,  
Development Review, Planning Department  
Mr. J. Michael Janosik, Planning Administrator,  
Planning Department  
Mr. Gregory E. Allen, Planning Administrator,  
Development Review, Planning Department

Mr. Jeffrey H. Lamson, Senior Planner, Development  
Review, Planning Department

Mr. Alan G. Coker, Senior Planner, Development  
Review, Planning Department

Ms. Beth Sykes, Senior Planner, Development  
Review, Planning Department

Mr. Joseph E. Feest, Planning Administrator, Development  
Review, Planning Department

Ms. Amy Somervell, Senior Planner, Development  
Review, Planning Department

Ms. Barbara Fassett, Planning Administrator, Advance Planning  
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning  
and Research Branch, Planning Department

Mr. Steven F. Haasch, Senior Planner, Advance Planning and  
Research Branch, Planning Department

Mr. William Handley, Demographer, Plans and Information Branch,  
Planning Department

Ms. Linda N. Lewis, Administrative Assistant, Administrative  
Branch, Planning Department

Ms. Deanna D. Atkins, Administrative Secretary,  
Administrative Branch, Planning Department

Ms. Michelle L. Martin, Secretary  
Administrative Branch, Planning Department

Mr. David W. Robinson, Assistant County Attorney,  
County Attorney's Office

Ms. Tara McGee, Assistant County Attorney,  
County Attorney's Office

Mr. Allan M. Carmody, Director,  
Budget and Management Department

Mr. R. John McCracken, Director,  
Transportation Department

Mr. Steven E. Simonson, Sr., Senior Engineer,  
Transportation Department

Mr. Stan B. Newcomb, Principal Engineer,  
Transportation Department

Mr. Jesse W. Smith, Senior Engineer,  
Transportation Department

Mr. Richard M. McElfish, Director,  
Environmental Engineering Department

Mr. Scott Flanigan, Acting Water Quality Administrator,  
Environmental Engineering Department

Mr. Douglas Pritchard, Jr., Engineering Supervisor,  
Environmental Engineering Department

Mr. Randolph Phelps, Senior Engineer,  
Utilities Department

Mr. John "Buster" Frith, Communications Specialist,  
Radio Shop

### **WORK SESSION**

At approximately 12:00 p. m., Messrs. Wilson, Gecker, Gulley, Litton, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**  
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**  
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Virginia General Assembly Legislative Actions Update.**
- G. Proposed Northern Courthouse Road Plan.**
- H. Proposed Code Amendment Relative to Sale of Alcoholic Beverages Within Proximity of School Sites.**
- I. Report on Age-Restricted Housing in Chesterfield County.**
- J. Adjournment.**

#### **A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission amended the agenda to add to the Work Session a new Item J., Billboard Ordinance Amendment; to add to the 7:00 p.m. Evening Session new Items VI. and XIII., Citizens' Input on Unscheduled Matters; and to reorder the agenda accordingly.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission amended the agenda to change the order of consideration of Case 05SR0171, Timothy J. Hauler, placing it as the first case on the 7:00p.m. Evening Session Discussion Agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

#### **B. REVIEW UPCOMING AGENDAS.**

Ms. Orr presented an overview of the Commission's upcoming case schedules for the July 18, August 15, September 19 and October 17, 2006 Planning Commission meetings.

There was discussion relative to Mr. Gulley's request at the previous Commission meeting concerning information regarding the reasons for the deferrals and whether or not to continue adjusting the caseloads to accommodate deferrals.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission suspended their By-Laws to increase the caseload for the 7:00 p. m. Session of the August 15 and September 19, 2006, Planning Commission meetings to accommodate deferrals only.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**C. REVIEW DAY'S AGENDA.**

Messrs. Tompkins and Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Orr presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

During discussion of Case 06SN0237, Watermark, LLC, Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 1:34 p. m.

Upon conclusion of the discussion pertaining to Case 06SN0237, Watermark, LLC, Mr. Wilson returned to the meeting at 1:35 p. m.

**D. PLANS AND INFORMATION SECTION UPDATE.**

Mr. Larson updated the Commission as to the status of the Workforce Housing Task Force Committee schedule and the proposed Upper Swift Creek Plan and related Ordinance Amendments.

**E. WORK PROGRAM.**

Upon conclusion of discussion relative to the Commission's Work Program, it was the consensus of the Commission to adopt their July 2006 Work Program, as outlined by Mr. Turner.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission scheduled the Upper Swift Creek Plan and related Ordinance Amendments for discussion at their July 18, 2006, Work Session agenda.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**F. VIRGINIA GENERAL ASSEMBLY LEGISLATIVE ACTIONS UPDATE:**

Ms. Mary Ann Curtin, Director of Intergovernmental Relations, distributed and summarized information relative to transportation and land use legislation from the 2006 General Assembly.

**G. PROPOSED NORTHERN COURTHOUSE ROAD PLAN.**

Mr. Haasch updated the Commission as to the status of the proposed Northern Courthouse Road Community Plan and outlined major changes to the proposed Plan since the last revision.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission scheduled the proposed Northern Courthouse Road Community Plan for discussion at their July 18, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**H. PROPOSED CODE AMENDMENT RELATIVE TO SALE OF ALCOHOLIC BEVERAGES WITHIN PROXIMITY OF SCHOOL SITES.**

Mr. Schlaudt presented an overview of a proposed Code Amendment relative to the sale of alcohol within proximity of school sites.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission scheduled discussion of a proposed Code Amendment relative to the sale of alcohol within proximity of school sites at their July 18, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**I. REPORT ON AGE-RESTRICTED HOUSING IN CHESTERFIELD COUNTY.**

Due to time constraints, the Commission agreed to schedule discussion of a report on age-restricted housing in Chesterfield County at their July 18, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**J. BILLBOARD ORDINANCE AMENDMENT.**

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission scheduled discussion of a proposed Billboard Ordinance Amendment at their August 15, 2006, Work Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**K. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the Commission adjourned at approximately 2:32 p. m., with the Commission agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

### **3:00 P. M. AFTERNOON SESSION**

Mr. Wilson, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

#### **A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **B. APPROVAL OF PLANNING COMMISSION MINUTES.**

Mr. Turner stated that the first order of business would be the consideration of the May 16, 2006, Planning Commission minutes.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to approve the May 16, 2006, Planning Commission minutes, as written.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

#### **C. CONSIDERATION OF THE FOLLOWING REQUESTS:**

##### **♦ DEFERRAL REQUEST BY APPLICANT.**

**05TS0196:**\* In Midlothian Magisterial District, **DARREL NEILSON** requested deferral to July 18, 2006, for consideration of approval of a tentative subdivision plat. This development is commonly known as **THE BATTERY AT OLD GUN**. This request lies in a Residential (R-40) District on a 20.12 acre parcel fronting approximately 300 feet on the west line of Old Gun Road, approximately twenty (20) feet south of Spring Creek Drive and approximately 4,000 feet north of Robious Road. Tax ID 735-721-2025 and 736-720-7067 and 8978 (Sheet 2).

Mr. Andy Scherzer, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 05TS0196, Darrel Neilson (The Battery At Old Gun), to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

##### **♦ DEFERRAL REQUEST BY STAFF.**

**05PR0219:** In Midlothian Magisterial District, **JAMES DORAN COMPANY** requested Planning Commission approval of a site plan for a development that integrates apartments, retail/office uses and

parking decks. This development is commonly known as **WINTERFIELD VILLAGE**. This request lies in a Community Business (C-3) District on 27.43 acres fronting on the north line of Midlothian Turnpike west of Winterfield Road, also fronting on the west line of Winterfield Road north of Midlothian Turnpike. Tax IDs 724-709-7661 and 725-709-7635 (Sheet 5).

Mr. William Shewmake, the applicant's representative, did not accept the recommendation for deferral, noting he wished to withdraw all elements of the proposal except the improvements to Winterfield Road.

Mr. Wilson opened the discussion for public comment relative to the deferral.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Coalition, opposed further deferral, citing an opportunity to resolve the request today.

Mr. Doug Bowman, son of an adjacent property owner, supported deferral of the request, citing concerns relative to the impact the proposal would have on his mother's property.

There being no one else to speak, Mr. Wilson closed the public comment.

In response to questions from Mr. Gecker, Mr. Smith answered questions/addressed concerns regarding unresolved design issues involving Winterfield Road and site access, noting Mr. Bowman's mother's property would be impacted by the proposal.

There was further discussion relative to the current design versus the use of turn lanes and a standard intersection; whether or not an agreement could be reached with the adjacent property owner; and other concerns.

In response to a question from Mr. Gecker, Mr. Bowman indicated a thirty (30) day deferral would be sufficient time to resolve his concerns.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 05PR0219, James Doran Company (Winterfield Village), to the July 18, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

**06PR0226:\*** In Clover Hill Magisterial District, **DUKE MANAGEMENT SERVICES, INC.** requested Planning Commission approval of a seventy-five (75) foot reduction to a 100 foot buffer requirement, in conjunction with site plan approval. This project is commonly known as **BAILEY'S BRIDGE STORAGE**. This request lies in a General Business (C-5) District on a 4.18 acre parcel fronting approximately 375 feet on the east line of Clintwood Road approximately 300 feet north of its intersection with Hull Street Road. Tax ID 741-683-0425 (Sheet 10).

Mr. Stuart Gratton, the applicant's representative, accepted staff's recommendation.

Mr. Gulley expressed concerns regarding the late submittal of amendments to the request, as outlined in the Addendum, noting concerned citizens/adjacent property owners would not have had an opportunity to review the revisions. He stated, however, since Mr. Jones' property would not be impacted and he had received no communication from Mr. Jones, other than his original conversation with him, he would proceed with the request.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of the site plan, including approval of a seventy-five (75) foot reduction to a 100 foot buffer requirement for Case 06PR0226, Duke Management Services, Inc. (Bailey's Bridge Storage), shall be and it thereby was granted, subject to the following condition and review comments:

#### CONDITION

The following review comments must be addressed prior to administrative release of the site plan.  
(P)

#### REVIEW COMMENTS

1. The size of the windows indicated on the west elevation of Building E (adjacent to Clintwood Road) shall be revised to provide residential style windows in scale with the proposed shutters.
2. The north, west, and south elevations of Building H (adjacent to Clintwood Road) shall be revised to incorporate appropriate residential-scale windows and shutters.
3. The north elevation of Building B (adjacent to the buffer) shall be revised to incorporate appropriate residential-scale windows and shutters.
4. The size of the windows indicated on the north elevations of Buildings C and D shall be revised to provide residential style windows in scale with the proposed shutters.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06PR0312:** In Bermuda Magisterial District, **BOGESE COMPANIES** requested Planning Commission approval of a site plan for an approximately 31,000 square foot retail/office center. This development is commonly known as **RIVER FOREST RETAIL CENTER**. This request lies in a General Business (C-5) District on a 5.5 acre parcel located southeast of Iron Bridge Road and Branders Creek Drive. Tax ID 777-653-9412 (Sheets 25 and 26).

Mr. Robert Staples, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.



On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved that site plan approval for Case 06PR0312, Bogese Companies (River Forest Retail Center), shall be and it thereby was granted, subject to the following condition:

CONDITION

The upper portion of the building above the awnings shall be of similar masonry construction and masonry color as the existing shopping center. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06PR0363:** In Clover Hill Magisterial District, **KROGER MID-ATLANTIC** requested site plan approval, as required by conditions of zoning. This development is commonly known as **KROGER FUEL CENTER**. This request lies in a Community Business (C-3) District on a 2.3 acre parcel fronting approximately sixty-seven (67) feet on the north line of Hull Street Road, also fronting approximately 550 feet on the east side of Hicks Road and located in the northeast quadrant of the intersection of these roads. Tax ID 759-692-2165 (Sheet 11).

Mr. Tim Cauldwell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Gulley expressed concerns regarding the late submittal of amendments to the architectural standards of the request, as outlined in the Addendum, noting the Route 360 Corridor Committee had not had an opportunity to review the revisions. He stated he was inclined to defer the request and asked that a meeting be scheduled with the Committee and himself.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06PR0363, Kroger Mid-Atlantic (Kroger Fuel Center), to the July 18, 2006, Planning Commission meeting.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06PR0385:** In Clover Hill Magisterial District, **BLACKWOOD DEVELOPMENT CO.** requested approval of a buffer replanting plan, as required by Condition 6 of zoning Case 83SN0182. This development is commonly known as **BLACKWOOD SOUTHSORE SHOPS-U.S. ROUTE 60**. This request lies in Neighborhood Business (C-2) and Corporate Office (O-2) Districts on a 4.78 acre parcel fronting approximately ninety (90) feet on the east line of Southshore Drive; also fronting the north line of Southshore Pointe Drive. Tax ID 725-672-0429 (Sheet 15).

Mr. Mark Greenberg, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved that approval of a buffer landscape plan for Case 06PR0385, Blackwood Development Co. (Blackwood Southshore Shops), shall be and it thereby was granted.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06PS0338:\*** In Bermuda Magisterial District, **WHITE OAKS DEVELOPMENT, LLC** requested schematic plan approval for a mixed use project. This project is commonly known as **WHITE OAK TREE FARM & APARTMENT COMPLEX**. This request lies in a General Business (C-5) District on a 77.07 acre parcel fronting approximately 370 feet on the west line of Old Stage Road approximately 575 feet off the north line of Route 10 and also fronting approximately 1,950 feet on the east line of Interstate 95. Tax IDs 802-656-4121 and 803-655-1650 (Sheets 26 and 27).

Ms. Carrie Coyner, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved that schematic plan approval for a mixed use project for Case 06PS0338, White Oaks Development, LLC (White Oak Tree Farm and Apartments), shall be and it thereby was granted, subject to the following conditions:

#### CONDITIONS

1. Any development on the parcel designated as commercial on the schematic plan shall apply the development standards of the Zoning Ordinance as though the multi-family parcel is zoned R-MF. Modifications to these standards may be applied for per Sec. 19-19 of the Zoning Ordinance (modifications to development standards and requirements). (P)
2. Multi-family development on the parcel designated as multi-family on the schematic plan shall adhere to all requirements of Sec. 19-159(j) that existed in the Zoning Ordinance on the date of schematic plan submission (February 28, 2006) which allowed multi-family as a restricted use in a C-3 District. (P)
3. Any future modifications to the boundary of the Resource Protection Area shall not decrease the distance of separation between uses on the commercial parcel and uses on the multi-family parcel. (P)
4. The Resource Protection Area will be supplemented with additional plantings, if necessary, and maintained to ensure that vegetation density equals 2.5 times perimeter landscaping C of the Zoning Ordinance. (P)
5. The public road access to Old Stage Road shall be installed prior to occupancy of more than fifty (50) dwelling units in the multi-family parcel. (F)
6. A sidewalk with a minimum width of five (5) feet shall be installed for the full length of the proposed public road along its north side with a planting strip at least four (4) feet wide for the purpose of planting street trees thirty-five (35) feet on center between the sidewalk and

the public road. The sidewalk shall connect at all three (3) multi-family entrances to sidewalks connecting throughout the multi-family project, and shall connect to the commercial uses along either a public or private road system serving the commercial parcel. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **CASES WHERE THE APPLICANT DID NOT ACCEPT THE RECOMMENDATION AND/OR THERE WAS PUBLIC OPPOSITION OR CONCERN.**

**06PR0251:** In Matoaca Magisterial District, **WOODLAKE UNITED METHODIST CHURCH** requested site plan approval. This development is commonly known as **WOODLAKE UNITED METHODIST CHURCH**. This request lies in a Light Industrial (I-1) District on a twenty-four (24) acre parcel fronting approximately 1,230 feet on the south line of Hull Street Road, also fronting approximately 2,115 feet on Hampton Park Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 714-670-9705 (Sheet 15).

Mr. Allen presented an overview of the request and staff's recommendation for denial, noting the request did not adequately address the review comments, particularly the phasing plan for road improvements.

In response to questions from the Commission, Mr. Smith addressed concerns/answered questions relative to the phasing plan/road improvements to be constructed along the eastbound lanes of Route 360 for the entire property frontage, noting the additional eastbound lanes should be constructed in conjunction with the initial development on the property.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, requesting that the applicant be allowed to construct the additional eastbound lanes along Route 360 at the end of Phase III development and that the sidewalk requirement be deleted.

Mr. Paul Thompson, a member of Woodlake United Methodist Church and County resident, supported approval of the request without requiring the road improvements along Route 360 in the initial phase of development.

Ms. Andrea Epps, a County resident, expressed concerns relative to the traffic volumes along Route 360 and the need to improve traffic conditions in the area.

Mr. George Emerson, a County resident and developer, supported the church's request, citing the valuable services the church provided to the community and its citizens.

There being no one else to speak, Mr. Wilson closed the public comment.

Mr. Bass stated he had many discussions with the applicant's representative and church members; felt some latitude should be allowed for completion of the road improvements; and read conditions he wished to impose on the request.

There was discussion relative to the suggested conditions; removal of the requirement for sidewalks along Route 360 and/or Hampton Park Drive; construction of the additional lane of pavement along Route 360 prior to occupancy of the facilities identified in Phase 3; and other issues of concern.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved that site plan approval for Case 06PR0251, Woodlake United Methodist Church (Woodlake United Methodist Church), shall be and it thereby was granted, subject to the following conditions:

**CONDITIONS**

1. Construction of the additional lane of U.S. Route 360 shall be completed prior to occupancy of facilities identified in Phase 3 of the phasing plan in the staff report.
2. Revised site plans shall be submitted to staff which comply with conditions of zoning and requirements of the zoning ordinance.
3. Sidewalk shall be installed along Hampton Park Drive. Sidewalk is not required to be installed along U.S. Route 360.

Mr. Gecker stated he reluctantly supported granting the request, noting he felt the original conditions of zoning were not being met and the overall road improvements contemplated to be provided along Route 360 by this case would not materialize.

Mr. Bass stated the applicant was requesting to delay, not avoid, the responsibility toward construction of the road improvements and he was comfortable granting the request, noting he felt the facility would be an asset to the Upper Swift Creek area.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**D. FIELD TRIP AND DINNER SELECTIONS.**

♦ **FIELD TRIP SITE SELECTION.**

The Commission agreed to forego their Field Trip Agenda to visit requests sites.

♦ **DINNER LOCATION SELECTION.**

On motion of Mr. Litton, seconded by Mr. Gecker, the Commission resolved to meet for dinner at Riptides Seafood Restaurant.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**E. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gecker, that the Commission adjourned the Afternoon Session at approximately 4:32 p. m., agreeing to meet at Riptides Seafood Restaurant at 5:00 p. m. for dinner.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

### **7:00 P. M. EVENING SESSION**

At approximately 7:00 p. m., Mr. Wilson, Chairman, called the Evening Session to order.

#### **A. INVOCATION.**

Mr. Wilson presented the invocation.

#### **B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.**

Mr. Clay led the Pledge of Allegiance to the Flag.

#### **C. REVIEW AGENDAS FOR UPCOMING MONTHS.**

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the July 18<sup>th</sup> agenda was comprised of fourteen (14) cases; the August 15<sup>th</sup> agenda was comprised of fifteen (15) cases; the September 19<sup>th</sup> agenda was comprised of fourteen (14) cases; and the October 17<sup>th</sup> agenda was comprised of one (1) case. He noted the Commission, at their Work Session earlier today, suspended their By-Laws to increase the August and September caseloads to accommodate deferrals only.

#### **D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.**

There were no requests to postpone action, emergency additions or changes in the order of presentation.

#### **E. CITIZENS' INPUT ON UNSCHEDULED MATTERS.**

Ms. Andrea Epps, a County resident, addressed, and asked the Commission to consider adoption of an Ordinance relative to, recent General Assembly actions regarding the transfer of development rights.

On behalf of the Commission, Mr. Gecker expressed condolences to the family and friends of Mrs. Elizabeth Davis, vice chair of the Chesterfield County School Board, who recently passed away, noting the County had lost a dedicated, professional public servant and champion of education.

#### **F. REVIEW MEETING PROCEDURES.**

Mr. Turner reviewed the meeting procedures.

#### **G. CONSIDERATION OF THE FOLLOWING REQUESTS:** **♦ REQUESTS FOR DEFERRALS BY APPLICANTS.**

**06SN0194:\*** (Amended) In Clover Hill Magisterial District, **BLUESTONE REAL ESTATE, LLC** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 28.9 acres fronting approximately 1,220 feet on the north line of Hull Street Road at its intersection with Ladino Lane. Tax IDs 750-687-7530, 9465, 9741 and 9882; and 751-687-1519, 3263, 6434 and 6883.

No one came forward to represent the request.

Staff noted the applicant had submitted written documentation requesting deferral to the July 18, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0194 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0127:\*** In Clover Hill Magisterial District, **J. MARK SOWERS** requested deferral to July 18, 2006, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 22.6 acres lying off the eastern terminus of North Vickilee Road and Vickilee Court, the northern terminus of Vickilee Road and western terminus of Marblethorpe Road. Tax IDs 746-699-8830; and 747-699-0340, 0744, 1248, 1750, 2453 and 4454.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the July 18, 2006, Planning Commission meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0127 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS FOR DEFERRALS BY STAFF.**

**06SN0190:** In Midlothian Magisterial District, **GRAY LAND AND DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and General Industrial (I-2)

to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed uses and residential use of one (1) dwelling or less per acre. This request lies on 287.7 acres fronting approximately 3,730 feet on the west line of Route 288 adjacent to Powhatan County, also fronting a total of approximately 606 feet on the east line of Huguenot Springs Road approximately 1,650 feet north and approximately 150 feet south of Dragonade Trail. Tax IDs 713-712-Part of 8031; 715-714-4678; and 716-713-Part of 5414.

Ms. Adena Patterson, the applicant's representative, did not accept the recommendation for deferral.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0190 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0200:\*** (Amended) In Bermuda Magisterial District, **PHILLIP W. HUGHES** requested rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.4 acres fronting approximately 200 feet on the north line of West Hundred Road, also fronting approximately 200 feet on the west line of Osborne Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 793-656-4144, 4148, 4425 and 5233.

Mr. Dean Hawkins, the applicant's representative, came forward.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission, on their own motion, resolved to defer Case 06SN0200 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

**06SN0284:** In Bermuda Magisterial District, **WOOD PROPERTIES, L.P., LLP** requested rezoning and amendment of zoning district map from Light Industrial (I-1) and Community Business (C-3) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 1.3 acres and is known as 8810 Metro Court. Tax ID 792-672-4157.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0284.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0294:** In Bermuda Magisterial District, **MEADOWVILLE, LLC** requested Conditional Use and amendment of zoning district map to permit an above-ground utility structure. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.5 dwelling units per acre or less and light industrial/residential use. This request lies in a Residential (R-12) District on 5.0 acres of a 349 acre tract fronting approximately 2,530 feet on the east and west lines of North Enon Church Road, north of Meadowville Road. Tax ID 821-662-Part of 4757.

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0294, subject to the following condition:

**CONDITION**

All mechanical equipment shall be enclosed by a masonry structure having a residential appearance and design. Further, the perimeter of the building shall be landscaped to create a residential appearance. The exact treatment of the facility and landscaping shall be approved by the Planning Department. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0213:\*** (Amended) In Bermuda Magisterial District, **RICHMOND 20 MHZ LLC D.B.A. NTELOS** requested Conditional Use Planned Development and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 13.9 acres fronting approximately 300 feet on the north line of Treely Road approximately 1,385 feet east of Branders Bridge Road and also fronting approximately fifty (50) feet at the northern terminus of Greenbriar Drive. Tax ID 788-640-Part of 0107.

Mr. Brennan Keene, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.



On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 06SN0213 and acceptance of the following proffered conditions:

### PROFFERED CONDITIONS

The Applicant (the "Applicant") in this zoning case, having power of attorney from the Property Owner, pursuant to Subsection 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the 13.9 acre parcel (the "Property") that is a part of the property known as GPIN 788640010700000 (Part of) under consideration will be developed according to the following conditions if, and only if, the rezoning from A to A with a Conditional Use Planned Development is granted. In the event the request is denied or approved with conditions not agreed to by the Applicant, the proffers and conditions shall immediately be null and void and of no further force or effect.

"Sketch Plan": The plan entitled "Preliminary Sketch of a Proposed Communications Tower Site, Site: Harrowgate, RMB---0229, Chesterfield County", prepared by Johnson, Mirmiran & Thompson and dated May, 17, 2005, last revised June 19, 2006.

1. The telecommunications tower and the access road to the telecommunications tower site shall be installed and constructed generally in conformance with the Sketch Plan. (P)
2. There shall be no signs permitted to identify this use. (P)
3. The base of the tower shall be enclosed by a minimum six (6) foot high fence designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground mounted equipment or structures from adjacent properties. Other than where necessary to provide access to the tower compound and to provide utility service to the tower compound, a buffer of mature trees shall be preserved in the area designated as "Buffer Area" (the "Buffer") on the Sketch Plan. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. Except as otherwise provided herein, no trees within the Buffer may be removed unless such trees are dead, diseased or dying. (P)
4. The color and lighting system for the tower and the design of the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure.
  - d. All antennas shall be installed using a flush mount design. (P)
5. Any building or mechanical equipment shall comply with the Emerging Growth District Standards for commercial uses as identified in the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

6. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) months, the Applicant shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

◆ **POLICY AMENDMENT.**

◆ ◆ ◆

Amendments to the Planning Commission's Residential Sidewalk Policy relating to, among other things, the acceptance and maintenance of sidewalks and pedestrian grade separated facilities by the Virginia Department of Transportation.

◆ ◆ ◆

Mr. Newcomb presented an overview of the proposed Policy Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the proposed amendment.

Mr. Litton stated he supported the installation of sidewalks; however, he expressed concerns relative to, and stated he could not support, a proposal that required developers, and not the County and/or the Virginia Department of Transportation (VDOT), to construct sidewalks.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission adopted the following policy:

Chesterfield County Planning Commission  
Residential Sidewalk Policy

**February 17, 2006**  
**June 20, 2006**

A. General

~~It is the County's intent to only require sidewalks where they qualify for VDOT or County maintenance. The Subdivider shall construct sidewalks where they qualify for maintenance~~ **meet the criteria as defined in the Publicly Maintained Sidewalk Criteria section below.** Exceptions ~~to grant relief~~ to this policy shall be at the discretion of both the Directors of Planning and Transportation. **All proposed pedestrian access facilities shall be approved as part of the Tentative Approval process. Pedestrian access facilities are defined as public or private sidewalks, trails, and grade separated facilities.**

Sidewalks shall be required as a condition of approval for development through either the site plan or tentative subdivision process unless otherwise determined by the County. At the request of the County, an overall pedestrian plan that identifies sidewalk locations shall be submitted in conjunction with either a site plan or tentative subdivision plan submission. Construction may be phased, as approved by the County, but, as a minimum, shall be bonded and constructed with each section recorded through which the sidewalk passes.

Where sidewalks **are required by the county** ~~qualify for maintenance by VDOT~~, they shall be designed and installed in accordance with VDOT Subdivision Street **Design Guide** requirements and as modified herein. ~~For all private sidewalks, the Subdivider shall demonstrate a design and long term maintenance responsibility acceptable to the County.~~

**All sidewalks required by the county shall be installed in street right-of-way unless approved otherwise by the Directors of Environmental Engineering, Planning, and Transportation.**

B. ~~VDOT or County~~ **Publicly Maintained Public Sidewalks Criteria**

- ~~1. Sidewalks shall be provided on through streets within: a) one mile from all existing elementary schools; b) one and one half miles from all existing intermediate and high schools; or c) in the same vicinity of such proposed schools, if the construction of such school is included in the County's five year capital improvement budget or the land is designated for such a use through a zoning condition. Through streets shall not include loop or cul de sac streets.~~
- ~~2. Sidewalks shall be provided on through streets adjacent to and in the immediate vicinity of multiple commercial businesses or public facilities to include public neighborhood recreation facilities. Immediate vicinity shall mean up to 1,000 feet beyond the limit of the tract or parcel approved for such use or zoning case line as applicable. In addition, the roadway cross section shall be graded to allow for future sidewalk installation on through streets up to one and one half miles from multiple commercial businesses or public facilities to include neighborhood recreation facilities. This improvement may require street rights of way to be increased to allow for future installation of sidewalk.~~
- 1. Sidewalks shall be provided on both sides of all proposed arterial streets and collector streets shown on the County Thoroughfare Plan and all proposed residential collector streets. Sidewalks shall be provided on all existing arterial, collector and residential collector streets adjacent to any proposed development unless determined otherwise by the Directors of Environmental Engineering, Planning, and Transportation.**
- 2. Sidewalks shall be provided on at least one side of all local through streets (streets with more than one way in and out) in subdivisions which are within one-half mile walking distance of a pedestrian attraction such as a public facility, commercial site, neighborhood recreational facility, or property zoned for commercial use. This condition may be modified with a pedestrian access plan approved by the Directors of Environmental Engineering, Planning, and Transportation.**
- ~~3. Sidewalks shall **may** be provided along any permanent cul de sac or loop street which is the principal route for pedestrian access to a residential area having a land use density of four or more units per acre and the provisions of either Criteria 1 or 2 of this subsection are satisfied relative to proximity to schools, multiple commercial businesses or public facilities such as schools, parks, library, commercial businesses or neighborhood recreational facilities **allowed anywhere VDOT Maintenance Requirements are met** with~~

concurrence of the County **Directors of Environmental Engineering, Planning, and Transportation.**

4. Sidewalks shall be provided between adjacent residential streets and public schools, public parks or public libraries, within easements or rights-of-way, as determined by the County, if the maintenance responsibility has been accepted by the County and the location of the sidewalk offers convenient, desired access to facilities without creating unusual detriment to adjoining property. ~~These sidewalks to schools and public facilities (parks & libraries) shall be limited to the distances specified in Criteria 1 and 2 of this subsection.~~
5. Where sidewalks are constructed adjacent to streets with ditch sections, the locational criteria shall be deemed to include the requirement to provide intersecting sidewalks with appropriate drainage structures generally perpendicular to the sidewalk and the street at all street intersections on the opposing street side.
6. All sidewalks that qualify for VDOT maintenance shall be constructed of concrete, unless approved otherwise by Transportation, shall be five (5) feet in width and shall be installed constructed per VDOT specifications. ~~All County maintained sidewalks shall be constructed per the previous specifications unless otherwise approved by the Directors of Environmental Engineering, Planning, and Transportation.~~

Note: Sidewalk requirements within non-residential areas shall be determined on a case by case basis by VDOT, Transportation and Planning at the time of site plan review.

C. Privately Maintained Sidewalk Criteria

~~Where sidewalks do not qualify for VDOT or County maintenance and therefore are not required by the County but rather are installed at the option of the Subdivider, the~~ The following requirements shall be met by the Subdivider prior to the recordation of any subdivision section containing such private sidewalks:

1. Establishment of a corporate homeowner's association which has, through restrictive covenants, accepted the obligation to maintain the sidewalks. The restrictive covenants shall include requirements for the collection of funds by the homeowner's association in an amount and manner acceptable to the County to cover annual costs for sidewalk maintenance. **All private sidewalks shall be approved through the Tentative Approval process.**
2. Recordation of County approved easements and restrictive covenants relative to sidewalks. Such easements and restrictive covenants shall be noted, to include deed book and page number, on the record plat.
3. **Privately maintained** sidewalks adjacent to a ~~privately maintained~~ street/accessway that is eligible for state acceptance shall be constructed to the standards in B-6 above unless otherwise approved by the Directors of Environmental Engineering, Planning, and Transportation.

4. All other privately maintained sidewalks shall be constructed per Chesterfield Residential Sidewalks Requirements/Procedures Section IV unless otherwise approved by the Directors of Environmental Engineering, Planning and Transportation.

Note: Sidewalk requirements within non-residential areas shall be determined on a case by case basis by VDOT, Transportation, and Planning at the time of site plan review.

#### **D. Grade Separated Pedestrian Facilities for Public Roads**

**No grade separated pedestrian facilities shall be required on existing or proposed roads unless required otherwise by zoning.**

**Grade separated pedestrian facilities will be allowed on all new road construction located within a proposed subdivision when the following criteria is met:**

1. The Subdivider is required to submit a preliminary schematic or pedestrian access plan as part of the Tentative Approval process for a subdivision.
2. The structure is available for unrestricted public use.
3. The structure is accessible to pedestrian facilities, if any, situated along the street.
4. The projected traffic volume of the street is not less than 4,000, vpd or if the structure otherwise serves as part of the principle pedestrian access to a school and a peak hour traffic volume of 450 vph is projected.

**All grade separated pedestrian facilities shall be designed and constructed in accordance with VDOT standards.**

AYES: Messrs. Wilson, Gecker, Gulley and Bass.

NAY: Mr. Litton.

#### **♦ REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

**05SR0171:\*** (Amended) In Matoaca Magisterial District, **TIMOTHY J. HAULER** requested renewal of Conditional Use (Case 03AN0226) for a bed and breakfast and a special events business operated incidental to a dwelling unit on 14.5 acres, plus Conditional Use to operate a special events business on an adjacent 6.1 acre parcel with alcohol sales on the entire 20.6 acres and amendment of zoning district map. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use on 1-5 acre lots; suited to R-88 zoning. This request lies in an Agricultural (A) District on 20.6 acres fronting approximately 550 feet on the north line of Woodpecker Road and in two (2) places totaling approximately 700 feet on the west line of John Winston Jones Parkway and located in the northwest quadrant of the intersection of these roads. Tax IDs 781-626-8240, 782-625-Part of 1888, 782-626-Part of 4544, 782-627-Part of 1927 and 782-627-Part of 6898.

Mr. Wilson noted the public hearing for Case 05SR0171 was closed at the April 18, 2006, meeting; therefore, a presentation was not necessary.

Mr. Bass made a motion, seconded by Mr. Gulley, to recommend approval of Request I for renewal of Conditional Use (Case 03AN0226) to operate a bed and breakfast and special events business incidental to a dwelling unit on 14.5 acres; to recommend denial of Request II for a Conditional Use to operate a special events business on an adjacent 6.1 acre parcel; and to recommend denial of Request III for a Conditional Use to allow the sale of alcoholic beverages on 20.6 acres, for Case 05SR0171, subject to the following conditions:

#### CONDITIONS

1. This Conditional Use shall be granted to Timothy J. and/or Patricia Hauler, exclusively for a period of three (3) years. (P)
2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)
3. The special events business shall not be open to the public on Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a. m. and 11:00 p. m. (P)
4. Special events shall be limited to the following:
  - a. Corporate retreats
  - b. Church retreats
  - c. Weddings (including rehearsal dinners and bridal luncheons)
  - d. Receptions (P)
5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)
6. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)
7. Sound equipment shall not exceed a noise level of 50 dB(A), as measured at the boundaries of Tax Ids 780-625-272; 790-625-5356; 780-625-7340; 780-625-32729023; 781-624-3595; 781-624-6083; 781-625-1011 and 782-625-4259. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)
8. The applicant shall provide a plan and notify the Planning Department of how patrons will be informed that they cannot cross the established Conditional Use boundary with alcoholic beverages. (P)

AYES: Messrs. Bass and Gulley.

NAYS: Messrs. Wilson, Gecker and Litton.

Mr. Gecker stated he had visited Dellwood, as recently as the previous Friday evening, viewing the events from a couple different vantage points, including Matoaca High School, the church at the corner and Woodpecker Road. He stated the operation gave every appearance of being a well-maintained, well-run operation and, although, the band was playing, the sound of the aluminum bat in the batting cage at the high school and the ambient noise from the road was certainly louder than the noise coming from the property. He stated the use has been in operation for some time with no apparent adverse impact on the neighborhood and he felt approval of the request was appropriate.

Mr. Gecker made a motion, seconded by Mr. Litton, to recommend approval of Request I for renewal of Conditional Use (Case 03AN0226) to operate a bed and breakfast and special events business incidental to a dwelling unit on 14.5 acres; to recommend approval of Request II for a Conditional Use to operate a special events business on an adjacent 6.1 acre parcel; and to recommend approval of Request III for a Conditional Use to allow the sale of alcoholic beverages on 20.6 acres, for Case 05SR0171, subject to the following conditions:

#### CONDITIONS

1. This Conditional Use shall be granted to and for Timothy J. and/or Patricia Hauler, exclusively, and shall not be transferable or run with the land. (P)
2. There shall be no additions or exterior alterations to the existing structures to accommodate this use. (P)
3. The special events business shall not be open to the public on Sunday through Tuesday, except during nationally recognized holidays, during which time the use may be open to the public as early as two (2) days before and as late as two (2) days after such holiday. On days the special events business is open to the public, the hours open to the public shall be restricted to between 9:00 a. m. and 11:00 p. m. (P)
4. Special events shall be limited to the following:
  - a. Corporate retreats
  - b. Church retreats
  - c. Weddings (including rehearsal dinners and bridal luncheons)
  - d. Receptions (P)
5. Attendance at special events shall be restricted to a maximum of 250 individuals at any one (1) function. (P)
6. A minimum of one (1) security officer for each one hundred (100) persons shall be provided at all special events to direct traffic in and out of the property and to monitor the lawful conduct of guests attending the event. (P)
7. Sound equipment shall not exceed a noise level of 50 dB(A), as measured at the boundaries of Tax Ids 780-625-272; 790-625-5356; 780-625-7340; 780-625-32729023;

781-624-3595; 781-624-6083; 781-625-1011 and 782-625-4259. Within sixty (60) days of approval of this request, information shall be submitted to the Planning Department for their review and approval to confirm compliance with this condition. (P)

Mr. Bass stated the property was beautiful and the applicants provided nice events; however, he felt the use should be contained within the 14.5 acres and not be permitted within the 500 feet adjacent to the school. He stated he did not concur with, and could not support, Mr. Gecker's motion.

Mr. Gulley agreed with Mr. Bass, stating he had no problem with the use and felt the applicants had probably been good neighbors; however, he saw no reason to violate the Alcohol Ordinance in this case.

Mr. Litton stated the use appeared to be well-maintained and well-operated and he could support Mr. Gecker's motion.

Mr. Wilson stated it was his understanding that cases such as this one were viewed on a case-by-case basis and he tended to agree with Mr. Gecker that this use was not the same as a convenience store use selling alcohol within 500 feet of a school site. He stated, since the request was a Conditional Use governed by conditions under which the Ordinance would be met, he was satisfied and could support a recommendation for approval.

The vote on Mr. Gecker's motion was as follows:

AYES: Messrs. Wilson, Gecker and Litton.

NAYS: Messrs. Gulley and Bass.

**06SN0273:** In Bermuda Magisterial District, **LAVERNE C. COLE** requested Conditional Use and amendment of zoning district map to permit a child care center in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies on 5.0 acres and is known as 5100 Ecoff Avenue. Tax ID 785-656-0821.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that, while the proposed use was representative of, and compatible with, existing area development, the proposed land use did not conform to the Chester Plan which suggests the property is appropriate for residential use of 2.5 dwelling units per acre or less.

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, did not accept staff's recommendation, noting the proposal would have minimal and/or no impact to environmental and fire services in the area and that he felt the use was appropriate given its proximity to local schools.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he felt a child care center in this location was appropriate and preferable to residential use.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0273 and acceptance of the following proffered conditions:



## PROFFERED CONDITIONS

The Owners-Applicants in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 785-656-0821-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the request for a conditional use to build and operate a child care center is granted. In the event the request is denied or approved with conditions not agreed to by the Owners-Applicants, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. The public wastewater system shall be used. (U)
2. Transportation.

Direct vehicular access from the property to Ecoff Avenue shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department.

To provide an adequate roadway system, the developer shall provide the following road improvements with initial development of the property:

- (a) Construction of additional pavement along Ecoff Avenue at the approved access to provide left and right turn lanes, based on Transportation Department standards.
  - (b) Construction of a sidewalk along the north side of Ecoff Avenue for the entire property frontage. The exact design and location of this improvement shall be approved by the Transportation Department.
  - (c) Relocation of the ditch along the north side of Ecoff Avenue to provide an adequate shoulder for the entire property frontage
  - (d) Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. (T)
3. Except for buffers, development of the property shall conform to the requirements of the Zoning Ordinance for Corporate Office (O-2) Districts in Emerging Growth Areas. (P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0276:** In Bermuda Magisterial District, **ELLMER PROPERTIES CHESTERFIELD LLC** requested Conditional Use Planned Development and amendment of zoning district map to permit exceptions to Ordinance requirements relative to signage. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies in a General Business (C-5) District on 9.3 acres fronting approximately 930 feet on the east line of Interstate 95 approximately 1,350 feet south of Ruffin Mill Road. Tax ID 804-637-7909.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the current sign standards of the Ordinance provided adequate identification for uses on the property and approval of the request could encourage other businesses to seek similar exceptions thereby resulting in sign proliferation.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, noting the new business was an economic opportunity for the County and that the applicant was requesting equitable signage in comparison to adjacent property signage.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 06SN0276, subject to the following condition:

#### CONDITION

The sign shall not exceed the limitations outlined in the Textual Statement dated March 15, 2006, relative to size and height. All other requirements of the Ordinance relative to signage shall apply.  
(P)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SR0289:** In Matoaca Magisterial District, **RAY J. CASELLA** requested renewal of Conditional Use (Case 03AN0260) and amendment of zoning district map to operate a commercial kennel incidental to a dwelling. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation area use. This request lies in an Agricultural (A) District on 6.0 acres fronting approximately 320 feet on the north line of River Road approximately 350 feet west of Epps Falls Road. Tax IDs 706-644-2244 and 3551.

Ms. Orr presented an overview of the request, noting that should the Commission wish to approve this renewal, acceptance of the proffered conditions would be appropriate except that Proffered Condition 5 should not be accepted since the proffer would permit a larger sign than typically approved for businesses operated incidental to a dwelling.

Mr. Andy Scherzer, the applicant's representative, stated the applicant was in compliance, had been a good neighbor and felt the request for a slightly larger sign was reasonable in order to identify the business.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SR0289 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

1. The Conditional Use shall be granted to and for Raymond and Cynthia Casella, exclusively, and shall not be transferable nor run with the land. (P)

2. The Conditional Use shall be limited to the operation of a boarding kennel for a maximum of twenty (20) dogs and ten (10) cats. (P)
3. A maximum of two (2) employees other than the applicants shall be engaged in the operation. (P)
4. Areas associated with the keeping of animals shall be cleaned and made free of waste on a regular basis so as to eliminate odors and the proliferation of insects. (P)
5. One (1) sign shall be permitted at the entrance and shall not exceed four (4) square feet. (P)
6. No additional run areas, structures or fenced areas other than those existing areas and structures as shown on the plan prepared by Balzer and Associates dated May 25, 2006 shall be constructed to accommodate this use. (P)
7. Within sixty (60) days from the date the Board of Supervisors approves the Conditional Use request, forty-five (45) feet of right-of-way along the North side of River Road, measured from the centerline of that part of River Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the County of Chesterfield. (T)

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0290:** In Dale Magisterial District, **MICHAEL B. CHANEY** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 16.0 acres fronting approximately 310 feet on the east line of Iron Bridge Road approximately 1,700 feet north of White Pine Road. Tax IDs 771-671-5480 and Parts of 1114, 1627, 2640 and 3152.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land use did not conform to the Central Area Plan which designates the area as a Mixed Use Corridor where professional, business, industrial and administrative offices as well as residential developments of various densities were appropriate.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommended; distributed copies of a schematic depicting the layout of the property; noted mitigating circumstances which he felt warranted deviation from the area Plan; and asked a recommendation of approval to allow the applicant to expand his business and continue to be a good neighbor in the community.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Litton stated he felt, given the screening to be provided, the use was appropriate.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0290 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
2. Direct vehicular access from the property to Iron Bridge Road (Route 10) shall be limited to one (1) entrances/exits located towards the northern property line. The exact location of this access shall be approved by the Transportation Department. (T)
3. Within sixty (60) days of a written request or prior to site plan approval, whichever occurs first, one hundred (100) feet right-of-way on the east side of Route 10 measured from the centerline of the roadway immediately adjacent to the property shall be dedicated, free and unrestricted, to Chesterfield County. (T)
4. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded from Route 10 to the adjacent property to the south. (T)
5. The owner/developer shall be responsible for the following:
  - A. Construction of an additional lane of pavement along Route 10 for the entire property frontage.
  - B. Construction of a separate right turn lane based on Transportation Department standards;
  - C. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
6. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 5, shall be submitted to and approved by the Transportation Department. (T)
7. Screening of outside storage areas shall be accomplished by the use of durable opaque fences and gates constructed of masonry pillars with solid sections made of comparable materials to the principal building and using a design compatible to the principal building. Screening of outside storage areas from Iron Bridge Road (Route 10) and Tax ID #771-671-0202 (unless and until it is rezoned to allow non-residential use) shall be accompanied by a brick, EFIS, stone, or masonry wall and an opaque fence design compatible with the principal building. This design shall also be generally compatible to the wall/fence design utilized on Tax ID #772-672-3298. (P)

Note: This requirement is in addition to the screening requirements of the Zoning Ordinance.)

8. Freestanding business signs shall be of a monument style. No exterior illuminated signs shall be permitted with the exception of one (1) project sign. (P)
9. Freestanding light fixtures shall not exceed a height of twenty (20) feet measured from the top of curb. (P)
10. No building shall exceed 30,000 gross square feet in area. (P)
11. Each building exterior (all sides) shall be constructed with a Concrete Masonry Unit (CMU), brick or metal with an Exterior Insulation Finishing System (EIFS) finish for a height of eight (8) feet measured from ground elevation (excluding openings for doors, windows or similar features). Any building exterior which faces an unscreened outside storage or loading area on an adjacent property, which faces an on-site outside storage area serving the subject building that is screened in accordance with Proffered Condition 7, or any building exterior that is deemed to be adequately screened due to, but not limited to, topography, vegetation or similar features shall not be required to be constructed of the above materials provided the architectural treatment of the side otherwise complies with the Zoning Ordinance. (P)

Note: This requirement is in addition to the architectural requirements of the Zoning Ordinance.)

12. Permitted uses shall be limited to the following:
  - A. Within 220 feet from the ultimate right of way of Iron Bridge Road, permitted uses on Tax ID 771-671-5480 shall be limited to:
    - i. Uses permitted by right or with restrictions in the Corporate Office (O-2) District.
    - ii. Contractors' offices and display rooms
  - B. Building material sales yards, not including concrete mixing.
  - C. Contractor's shops and storage yards.
  - D. Wholesaling houses and distributors.
  - E. Carpenter and cabinetmakers' offices and display rooms.
  - F. Contractors' offices and display rooms.
  - G. Electrical, plumbing or heating supply sales, service and related display rooms.
  - H. Greenhouses or nurseries.

- I. Warehouses for permitted uses, provided that such buildings shall be set back a minimum of 100 feet from adjacent R, R-TH, R-MF or O Districts or A Districts that are shown on the comprehensive plan for R, R-TH, R-MF or O use when loading/warehouse areas are oriented toward such properties. The 100-foot setback shall be landscaped according to section 19-513(a)(4) of the Development Standards Manual. When loading/warehouse areas are oriented away from adjacent R, R-TH, R-MF or O Districts, setbacks shall be governed by the setbacks of this district.
- J. Continuous outside display of merchandise for sale, as accessory to a permitted use, provided that:
  - i. Merchandise shall be located under a pedestrian way that does not exceed 16 feet in width;
  - ii. No more than five percent of the gross floor area of the principal use shall be used for outside display purposes; and
  - iii. Merchandise is displayed so that it does not obstruct pedestrian access.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**05SN0238:\*** In Clover Hill Magisterial District, **BRACEY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Convenience Business (C-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.0 units per acre or less. This request lies on 4.2 acres fronting approximately 600 feet on the south line of Genito Road, also fronting approximately 900 feet on the west line of Woolridge Road and located in the southwest quadrant of the intersection of these roads. Tax ID 718-685-8949.

Ms. Orr presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Upper Swift Creek Plan and failed to provide transportation improvements to mitigate safety hazards. She referenced the Addendum, noting the applicant submitted revised and additional proffered conditions addressing on-site Best Management Practices (BMPs); limitation of the development to only restaurants, excluding fast food and carry-out restaurants; certain transportation improvements, which she outlined; the prohibition of outside public address systems or speakers; and the prohibition of boat access to the Swift Creek Reservoir. She added the proffered conditions relative to outside public address systems and outdoor recreational uses are misleading because neither of those uses were permitted in the Convenience Business (C-1) District; and therefore, should not be accepted.

Mr. Harley Joseph, the applicant's representative, did not accept staff's recommendation, noting his client felt a small, sit-down type restaurant was appropriate for the location but did not understand why such a use would require such significant transportation improvements. He stated the use would provide a needed service for, and benefit, the area residents and County.

Mr. Wilson opened the discussion for public comment.

Mr. Shawn Clouse, Ms. Kathy Rivera, Ms. Anna Marie Snell, Mr. Don Hughes, Mr. Francis Snell, and Ms. Tina Degenhardt, area residents, opposed the request, citing concerns relative to overdevelopment of the property, traffic hazards, design plan standards, BMP requirements and referenced a petition, submitted by Mr. Clouse, containing twenty-seven (27) signatures opposing the request.

Mr. Tom James, a County resident and previous owner of the subject property, supported the request, stating he felt the site was appropriate and needed in the area.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Joseph referenced the significant buffer separating the use from adjacent property owners and noted Proffered Conditions 6 and 7, relative to outside public address systems/speakers and boat access to the Swift Creek Reservoir, were submitted to address area residents concerns.

In response to questions from Mr. Gulley, Ms. Orr and Mr. McCracken addressed concerns/answered questions relative to the type of restaurant planned for the site and the impact such a use would have on area traffic volumes/patterns.

Mr. Gulley expressed concerns regarding the location of the proposed use in such close proximity to the reservoir; stated he doubted if the applicant's Proffered Conditions 3 would meet the .22 requirement in mitigating pollutant runoff; noted the proposed use did not comply with the area Plan; and stated he could not support a recommendation for approval.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 05SN0238.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**05SN0285:\*** In Bermuda Magisterial District, **LIBERTY PROPERTY DEVELOPMENT CORP.** requested amendment to Conditional Use Planned Development (Case 95SN0109) and amendment of zoning district map to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial use. This request lies in a Light Industrial (I-1) District on 15.2 acres fronting approximately 720 feet on the west line of Meadowville Road, also fronting approximately 1,330 feet on the north line of Kingston Avenue at its intersection with Rivers Bend Boulevard. Tax ID 818-655-2192.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed land uses did not conform to the Consolidated Eastern Area Plan; transportation concerns relative to road improvements and right of way dedication had not be addressed; and the proffered conditions did not mitigate the impact of the development on capital facilities, thereby ensuring adequate service levels would be maintained and protecting the health, safety and welfare of County citizens.

Mr. Dana Dame, the applicant's representative, did not accept staff's recommendation; presented a history of Liberty Property Development Corp. and the subject proposal, citing their commitment to future investments in the park; cited on-site physical constraints necessitated the incorporation of residential

development in the development; and asked the Commission consider a recommendation for approval of the request.

Ms. Samantha Dunkle, representing D. O. Allen Homes, addressed concerns/answered questions, noting the applicant was willing to proffer conditions to address staff's concerns.

Mr. Wilson stated proffered conditions should be submitted in writing, noting there appeared to be a significant amount of work that still needed to be done.

Mr. Wilson opened the discussion for public comment.

Ms. Carrie Coyner, representing Merit Medical, landowners in Rivers Bend Park, opposed the request, citing concerns relative to inappropriateness of the proposed use, noise/light intrusion, increased traffic volumes and the adverse impact the use would have on the industrial park. She asked that the Commission deny, not defer, the request.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Dame stated the majority of the businesses in the park were owned by Liberty Property Development Corp; that the applicant would not seek residential development in the center if it were inappropriate or considered to be a detriment to the park or its business owners;

In response to Mr. Wilson's remarks, Mr. Dame requested a deferral to the July 18, 2006, Planning Commission public hearing to resolve the issues/concerns and submit proffered conditions in the proper format.

Mr. Gulley expressed concern that the County may lose a prospective industrial customer if the property were rezoned to a residential use.

Messrs. Wilson and Gecker stated they felt the applicant deserved an opportunity to put the request in the proper posture.

Mr. Bass referenced previous deferrals and suggested the request be forwarded to the Board for consideration in its current posture.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 05SN0285 to the July 18, 2006, Planning Commission public hearing.

AYES: Messrs. Wilson, Gecker, Gulley and Litton.

NAY: Mr. Bass.

**06SN0234:\*** In Matoaca Magisterial District, **ROBERT SOWERS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and



south lines of Quailwood Road approximately 1,500 feet west of Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that while the proposed zoning and land uses conformed to the Upper Swift Creek Plan, the application failed to address the traffic impact in regards to construction of turn lanes; the proffered conditions did not adequately address the impacts of this development on necessary capital facilities; the proffered conditions did not mitigate the impact on road facilities, thereby not insuring adequate service levels are maintained nor protecting the health, safety and welfare of County citizens; and the application failed to address connectivity to Quailwood Road per the Board's adopted "Residential Subdivision Connectivity Policy."

Mr. Jim Theobald, the applicant's representative, did not accept staff's recommendation, noting the proposed use was consistent with the area Plan; that the applicant was willing to construct a bridge across the property to Brad McNeer Parkway; and had agreed to use a portion of the cash proffer to offset other transportation improvements.

Mr. Wilson opened the discussion for public comment.

Mr. Wade Toney, Ms. Dawn Toney and Ms. Montine Woodman, area residents, opposed the request, citing concerns as to the appropriateness of the use; whether or not the use was in the best interest of the community; increased traffic volumes; overcrowded schools, buffers; environmental impacts; and road improvements.

There being no one else to speak, Mr. Wilson closed the public comment.

In rebuttal, Mr. Theobald addressed concerns relative to density, access, road improvements and other concerns.

In response to questions from Mr. Bass, Messrs. Phelps and McCracken addressed concerns/answered questions regarding the Bailey Bridge Road Pump Station and existing/anticipated area road improvements and connectivity.

Mr. Bass stated he realized the proposed development would impact area infrastructure but he felt there would be benefits in other areas, specifically for transportation improvements in this part of the County.

Mr. Gecker expressed concerns relative to the proposed density of the development, noting he felt allowing such density in this area was poor planning; to approve the request would irresponsible; and he could not support a recommendation for approval.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0234 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration will be developed according to the

following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

1. Master Plan. The Textual Statement dated February 9, 2006 shall be the Master Plan. (P)
2. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Utilities. The public water and wastewater systems shall be utilized. (U)
4. Cash Proffer. In addition to the Transportation Contribution described in Proffered Condition 11, the applicant, subdivider, or assignee(s) (the "Applicant") shall pay the following to the County of Chesterfield prior to the issuance of each building permit for infrastructure improvements within the service district for the property:
  - a. If payment is made prior to July 1, 2006, \$6,685.00 per dwelling unit. At time of payment, the \$6,685.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, \$5,331.00 for schools, and \$404.00 for fire stations; or
  - b. If payment is made after June 30, 2006, the amount approved by the Board of Supervisors not to exceed \$6,685.00 per dwelling unit pro-rated as set forth in Proffered Condition 4.a. above adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.
  - c. Provided, however, that if any building permits issued on the property are for senior housing, as defined in the proffer on age-restriction, the Applicant shall pay, in addition to the Transportation Contribution described in Proffered Condition 11, \$1,354.00 per dwelling unit if paid prior to July 1, 2006, or the amount approved by the Board of Supervisors, not to exceed \$1,354.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006. At the time of payment, the \$1,354.00 will be allocated pro-rata among the facility costs as follows: \$602.00 for parks and recreation, \$348.00 for library facilities, and \$404 for fire stations. Payments in excess of \$1,354.00 shall be prorated as set forth above.
  - d. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the property, the amount paid in cash proffers shall be

in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by Chesterfield County. (B&M)

5. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons" as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein. Any lots for age-restricted dwelling units shall be grouped together on a particular portion of the Property and shall not be scattered among other residential units. At the time of recordation of a subdivision plat or the approval of any site plan, the lots shall be noted as age-restricted. Any site plan for age-restricted dwelling units shall also note the restriction. (B&M)
6. Density. The total number of residential dwelling units on the Property shall not exceed 2.2 residential units per acre. (P)
7. Elevations Incident to Dam Inundation Area. The lowest ground elevation at the foundation of homes shall be at or above the dam failure limits. (EE)
8. No Sole Access. At the time of complete development, no lots shall have sole access through Spring Trace or Cameron Bay Subdivisions. (P)
9. Right of Way Dedication. In conjunction with recordation of the initial subdivision plat, a seventy (70) foot wide right-of-way for a north/south collector (the "Collector") from Holly View Parkway to the northern property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
10. Access Plan. Prior to any tentative subdivision approval, an access plan for the Collector shall be submitted to and approved by the Transportation Department. Vehicular access from the property to the Collector shall conform to the approved access plan. (T)
11. Transportation Contribution. The Applicant shall pay to Chesterfield County prior to the issuance of each building permit the amount of \$8,915.00. If these amounts are paid after June 30, 2006, the amount paid shall be adjusted upward by any board of Supervisors' approved increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made.
  - a. The Transportation Contribution shall be used to construct the road improvements described in Proffered Condition 12.c. (the "Bridge"), and the road improvements described in Proffered Condition 12.a. (the "Bailey Bridge Turn Lanes"), or if not constructed, as may otherwise be permitted by law. For purposes of this proffer, the costs to construct the Bridge and the Bailey Bridge Turn Lanes shall include, but not be limited to, the cost of right-of-way acquisition, engineering costs, costs of relocating utilities and actual costs of construction (including labor, materials, and overhead) ("Work") all of which shall be approved in writing by the Transportation Department before any Work is performed.

- b. During construction of the Bridge and the Bailey Bridge Turn Lanes by the Applicant and upon receiving written request(s) for payment from the Applicant with supporting documentation of the Work completed by the Applicant, as determined by the Transportation Department, Chesterfield County shall periodically make payments to the Applicant for costs of the Work so long as the total payments are not greater in value than that which has been collected in Transportation Contributions or the cost of the Work completed, whichever is less. Such payments shall be made within thirty (30) days of receipt of a request with the required documentation and will be made no more frequently than once per month. (T)
12. Transportation Improvements. To provide an adequate roadway system, the developer shall be responsible for the following:
- a. Construction of additional pavement along Bailey Bridge Road at Holly View Parkway to provide left and right turn lanes.
  - b. Construction of a two-lane road for the Collector, to VDOT Urban Collector (40 MPH) standards with modifications approved by the Transportation Department, from the current terminus of Holly View Parkway, north through the property to the Resource Protection Area ("RPA") of Swift Creek.
  - c. Construction of a two-lane road for the Collector, to VDOT Urban Collector (40 MPH) standards with modifications approved by the Transportation Department, from the RPA of Swift Creek on the property to Brad McNeer Parkway, including:
    - i.) additional pavement along the Collector to provide a three-lane typical section (i.e., one (1) southbound lane and two (2) northbound lanes) at its intersection with Brad McNeer Parkway. The exact length of this improvement shall be approved by the Transportation Department;
    - ii) additional pavement along Brad McNeer Parkway at the Collector intersection to provide left and right turn lanes; and
    - iii) traffic signalization of the Brad McNeer Parkway/Collector intersection, if warranted as determined by the Transportation Department.
  - d. Construction of right and left turn lanes along the Collector at each approved access, if warranted based on Transportation Department standards.
  - e. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the "off-site" right-of-way that is necessary for the road improvements described in Proffered Conditions 12.a. and c., the developer may request, in writing, that the Chesterfield County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer but reimbursed as set forth in Proffered Condition 11. In the event Chesterfield County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the

road improvements within available right-of-way as determined by the Transportation Department. (T)

13. Phasing Plan. Prior to any construction plan approval, a phasing plan for the required road improvements as identified in Proffered Condition 12, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that prior to recordation of more than a cumulative total of two hundred (200) lots the road improvements described in Proffered Conditions 12.a., b., and c. shall be completed, as determined by the Transportation Department. (T)

AYES: Messrs. Wilson, Gulley, Litton and Bass.

NAY: Mr. Gecker.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy" for Case 06SN0234.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

**06SN0237:\*** In Dale Magisterial District, **WATERMARK TOWN CENTER LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Community Business (C-3) with Conditional Use to permit multifamily and townhouse uses plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor and residential use of 1.0-2.5 dwelling units per acre. This request lies on 112.2 acres fronting approximately 1,900 feet on the west line of Iron Bridge Road approximately 350 feet north of Willowbranch Drive, also lying at the southern terminus of Manuel Street. Tax ID 771-677-3871.

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the applicant in matters other than zoning, and excused himself from the meeting at 9:20 p. m.

Mr. Clay presented an overview of the request and staff's recommendation for denial, noting the proposed zoning and land uses did not conform to the Central Area Plan and were not representative of, or compatible with, existing and anticipated area development and the proffered conditions neither adequately addressed, nor mitigated, the impacts of this development on necessary capital facilities. He further noted the standards by which an exception to street connectivity should be granted had not been met.

Mr. John V. Cogbill, III, the applicant's representative, did not accept staff's recommendation, noted the quality of the proposed development; outlined the layout of the project and proposed development standards; and addressed concerns relative to density and integration of uses and parking.

Mr. **Wilson Gecker** opened the discussion for public comment.

Mr. Earl Hartman and Ms. Dana Hall, area property owners, expressed concerns that the proposed development would land lock Mr. Hartman's property, thereby rendering it undevelopable.

Ms. Andrea Epps, a County resident, expressed concerns relative to the applicant working with the adjacent property owner to address his concerns about his property being landlocked.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, expressed concerns relative to connectivity and the reduction of the school component of the cash proffer to allow for "age-restricted" development.

There being no one else to speak, Mr. **Wilson Gecker** closed the public comment.

In rebuttal, Mr. Cogbill stated Mr. Hartman's property would not be landlocked and the request for the connectivity waiver was within the parameters of the Policy.

In response to questions from Mr. Litton, Mr. McCracken addressed concerns/answered questions relative to connectivity and noted the transportation proffers were acceptable.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 06SN0237 and acceptance of the following proffered conditions:

#### PROFFERED CONDITIONS

The Owners and the Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the development of the Property known as Chesterfield County Tax Identification Number 771-677-3871 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-3 with a conditional use planned development (CUPD) is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers and conditions now existing on the Property.

1. Master Plan. The textual statement dated January 18, 2006, last revised June 14, 2006, shall be considered the Master Plan. (P)
2. Utilities. The public water and wastewater systems shall be used, except for model homes/sales offices not in permanent dwellings and/or construction offices. (U)
3. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
4. Density. The maximum number of dwelling units developed on the Property shall be 650. Commercial and office uses shall be limited to a total maximum of 220,000 gross square feet. Of the 650 units, a maximum of 200 Small Lot Units, a maximum of 400 multi-family units, and a maximum of 325 townhomes shall be permitted. Within these maximums, the following minimums shall also be provided: a minimum of fifty (50) townhomes; a minimum of thirty (30) Small Lot Residential Units; a minimum of one hundred (100) apartments; and a minimum of 50,000 square feet of non-residential uses provided at least 20,000 square

feet of the 50,000 square feet is office. Any commercial or office square footage located within the live/work units shall count toward the non-residential minimums. (P)

5. Location of Uses. Any permitted use may be permitted within the same building, block, street, or section of street in order to facilitate the mixed-use nature of the development. Limitations to this provision are set out in the Textual Statement. (P)
6. Connectivity. There shall be no connection to Hill Road and Old Zion Hill Road from the Property. (P & T)
7. Lighting.
  - A. Except for decorative lighting attached to a building, the maximum height of lampposts shall be 30 feet. Exterior lighting shall meet the requirements of the Zoning Ordinance except that porch lights, lamps, decorative, and period lighting that is in keeping with the pedestrian oriented character of Watermark shall be permitted.
  - B. Streetlight fixtures, poles, and lamp types shall be consistent along a street. The selected streetlight shall be compatible with the pedestrian oriented character of Watermark. The exact type of streetlight(s) and the locations shall be determined at the time of site plan review. (P)
8. Open Space. At a minimum, the following Open Space areas shall be provided:
  - A. Within the Property, a minimum of 15 percent of the gross acreage shall be devoted to open space.
  - B. Of this open space, a minimum of 6.0 acres shall be usable to accommodate recreational and social gathering areas for residents and employees. Facilities to accommodate these uses shall be provided in the open space and can include, but not be limited to, pavilions, gazebos, neighborhood parks, trails, hardscaped areas with benches, and other amenities to facilitate community use. This open space shall include the clubhouse, which shall serve as a focal point and gathering place for the residents. Prior to the issuance of more than 300 residential certificates of occupancy, the clubhouse and pool shall be completed.
  - C. Of the 6.0 acres identified above, a minimum of 2.0 acres shall be located within Tract A and a minimum of 2.0 acres shall be located within Tract B. This acreage may be consolidated in one location or scattered throughout the Tract, as determined at the time of tentative subdivision or site plan review. (P)
9. Age Restriction. Except as otherwise prohibited by the Virginia Fair Housing Law, the Federal Fair Housing Act, and such other applicable federal, state or local legal requirements, dwelling units designated as age-restricted shall be restricted to "housing for older persons; as defined in the Virginia Fair Housing Law and no persons under 19 years of age shall reside therein." (P)

10. Senior Housing. Any dwelling units designated for senior housing as defined in Proffered Condition 9 shall be noted on the site plan or subdivision plat. Such dwelling units shall be grouped together as part of the same development section(s). (P)
11. Cash Proffers. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of any residential building permit for infrastructure improvements within the service district for the Property in excess of 150 dwelling units:
- A. \$15,600.00 per dwelling unit if paid prior to July 1, 2006. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$15,600.00 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
  - B. Provided, however, that if any residential building permits issued on the Property are for senior housing, as defined in the proffer on age-restriction, the applicant, sub-divider, or assignee(s) shall pay \$10,269.00 per unit to the County of Chesterfield, prior to the time of issuance of a residential building permit, for infrastructure improvements within the service district for the Property if paid prior to July 1, 2006. The \$10,269.00 for any units developed shall be allocated pro-rata among the facility costs as follows: \$602 for parks, \$348 for library facilities, \$404 for fire stations, and \$8,915 for roads. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$10,269 per unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
  - C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the county. (B&M)
12. Access.
- A. Direct vehicular access from the Property to Iron Bridge Road (Route 10) shall be limited to two (2) public roads, including Kingsland Glen Extended. Kingsland Glen Extended shall align the existing crossover on Route 10 that serves Tucker Road. The other public road shall generally be located towards the southern Property line. The exact location of these accesses shall be approved by the Transportation Department.
  - B. Prior to site plan or tentative subdivision approval, whichever occurs first, an access plan for Kingsland Glen Extended shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to Kingsland Glen Extended shall conform to the approved access plan. (T)



13. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County in conjunction with recordation of the initial subdivision plat or prior to the first site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:
- A. One hundred (100) feet of right-of-way on the west side of Route 10 measured from the centerline of the existing Route 10 right-of-way along that part of Route 10 immediately adjacent to the Property.
  - B. Seventy (70) foot wide right-of-way for an east/west collector ("Kingsland Glen Extended") from the western Property line, through the Property to Route 10. The exact location of this right-of-way shall be approved by the Transportation Department. (T)
14. Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. If any of the improvements are provided by others then the specific required improvement shall no longer be required of the Developer. The exact design and length of these improvements shall be approved by the Transportation Department:
- A. Construction of an additional lane of pavement along the southbound lanes of Route 10 for the entire Property frontage, exclusive of the existing lake area.
  - B. Construction of additional pavement along the southbound lanes of Route 10 at each public road intersection to provide separate right turn lanes, based on Transportation Department standards.
  - C. Construction of additional pavement along the northbound lanes of Route 10 at the crossover that serves Kingsland Glen Extended to provide dual left turn lanes, with additional pavement along Kingsland Glen Extended to provide adequate receiving lanes.
  - D. Construction of a sidewalk to VDOT standards along Route 10 for the entire Property frontage, exclusive of the existing lake area.
  - E. Construction of a two-lane road for Kingsland Glen Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line, through the Property to Route 10.
  - F. Construction of additional pavement along Kingsland Glen Extended at its intersection with Route 10 to provide a five-lane divided typical section (i.e., three (3) eastbound lanes and two (2) westbound lanes).
  - G. Full cost of traffic signalization at the Route 10/Kingsland Glen Extended/Tucker Road intersection, if warranted, as determined by the Transportation Department.

- H. Construction of additional pavement along Kingsland Glen Extended at each approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.
  - I. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in proffered condition 14.G. above. In the event the Developer is unable to acquire any "off-site" right-of-way that is necessary for the road improvements described in this Proffered Condition, the Developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the Developer. In the event the County chooses not to assist the Developer in acquisition of the "off-site" right-of-way, the Developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)
15. Phasing Plan. Prior to any site plan or prior to construction plan approval, whichever occurs first, a phasing plan for the required road improvements, as identified in Proffered Condition 14, shall be submitted to and approved by the Transportation Department. (T)
16. Covenants. At a minimum, the restrictive covenants shall contain language that addresses the following. Such covenant shall remain in place as long as the Property is used for residential purposes.
- Future homeowners of the lots or units within the Property will have notice of the location of the Chesterfield County Airport and its proximity to the Property. Any subdivision plat or location plan used in any condominium documents shall note the location of the Airport and its proximity to the Property. (P)
17. Public Roads. In tracts with townhouse and condominium uses, all roads that accommodate general traffic circulation through the development, as determined by the Transportation Department, shall be designed and constructed to VDOT standards and as set forth in the Textual Statement, and taken into the State System. (T)

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to recommend approval of the waiver to the "Residential Subdivision Connectivity Policy" for Case 06SN0237.

AYES: Messrs. Gecker, Gulley, Litton and Bass.  
ABSENT: Mr. Wilson.

Mr. Wilson returned to the meeting at approximately 9:54 p. m.

**H. CITIZENS' INPUT ON UNSCHEDULED MATTERS.**

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, expressed concern that individuals wishing to speak to the "Residential Sidewalk Policy" were not recognized during the public hearing and asked that, in the future, the Commission allow sufficient time for citizens to reach the podium to comment on such items. She also referenced a statement from a previous Planning Commission meeting, which she read, and expressed concerns relative to the inaccurate characterization of that statement. She suggested the Commission should be careful to ensure the accuracy of statements before repeating them, noting to do otherwise was irresponsible

**I. ADJOURNMENT.**

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Gulley, that the meeting adjourned at approximately 9:58 p. m. to July 18, 2006, at 12:00 Noon in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Wilson, Gecker, Gulley, Litton and Bass.

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Chairman/Date

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Secretary/Date